

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**Case No. 4:18cr76-RH/CAS**

**JOHN THOMAS BURNETTE,**

**Defendant.**

\_\_\_\_\_/

**GOVERNMENT’S RESPONSE TO JOHN THOMAS  
BURNETTE’S AMENDED MOTION TO DISMISS THE INDICTMENT**

The second superseding indictment alleges that Defendant John Thomas Burnette (“Burnette”) bribed Tallahassee City Commissioner Scott Maddox to abstain from voting on a matter before the City Commission, and that he participated with Maddox and Paige Carter-Smith in a bribery and extortion scheme involving undercover FBI agents. Burnette has moved to dismiss the indictment based on his contention that a concededly inaccurate statement in a FBI Form FD 997 report (“the 997”) written by former FBI Special Agent Joshua Doyle (“Doyle”) was incorporated into another agent’s grand jury testimony and tainted the grand jury process.

Burnette’s motion fails because neither the 997 itself, nor any inaccurate in-

formation in the 997, was ever presented to the grand jury in any form. The inaccurate information in the 997 is also completely absent from the allegations in the second superseding indictment. Burnette cannot plausibly argue that any error occurred, let alone error that could withstand harmless error review. Accordingly, and for the reasons that follow, the motion should be denied without an evidentiary hearing.

## **I. LEGAL STANDARD**

When faced with a request to dismiss an indictment, a federal court's "role must be informed by a recognition that dismissal of an indictment . . . is an extreme sanction which should be infrequently utilized." *United States v. DiBernardo*, 775 F.2d 1470, 1475 (11th Cir. 1985) (internal quotation marks omitted). Even false testimony "does not automatically vitiate an indictment based on that testimony; to dismiss an indictment the district court must . . . find an abuse of the grand jury process such as perjury or government misconduct." *Id.*

Courts apply an exacting harmless-error analysis to claims of error or defect in the grand jury process. *Bank of Nova Scotia v. United States*, 487 U.S. 250, 254–255 (1988) (citing Fed. R. Crim. P. 52(a)).<sup>1</sup> Where "a court is asked to dismiss an

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<sup>1</sup> Burnette's motion misstates the law in this area. Federal courts do not have "supervisory power over the administration of justice to regulate the manner in which grand jury investigations are conducted," *United States v. Pabian*, 704 F.2d 1533, 1536 (11th Cir. 1983), as Burnette claims. ECF No. 177 at 19. The Supreme Court explicitly rejected that position in *United States v. Williams*, 504 U.S. 36, 47 (1992),

indictment prior to the conclusion of trial[,] . . . dismissal of the indictment is appropriate only if it is established that the violation substantially influenced the grand jury's decision to indict, or if there is grave doubt that the decision to indict was free from the substantial influence of such violations.” *Id.* at 256 (internal quotation marks omitted).

## II. ARGUMENT

Burnette's claim does not withstand scrutiny under the threshold inquiry: whether there was error in the first place. The inaccurate 997 was never presented to the grand jury. The two sentences of grand jury testimony that Burnette claims are “false” were not based on the 997 but are supported by recorded words from Burnette's own mouth.

Doyle wrote the 997 on January 22, 2017, during the undercover investigation that led to some of the charges in this matter. Burnette's motion points to the following part of the 997, ECF No. 177 at 3, which the Government concedes was inaccurate:

Burnette admitted to the UCEs that he has bribed Maddox for assistance with most of the developments Burnette has been engaged in for the past several years. In fact, Burnette is currently paying Maddox \$15,000 a month, via a company called Governance Services LLP, as part of a bribe for a recently completed project.

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explaining, “[b]ecause the grand jury is an institution separate from the courts, over whose functioning the courts do not preside, we think it clear that, as a general matter at least, no such ‘supervisory’ judicial authority exists[.]” *Id.*

Neither the 997, nor any evidence or testimony deriving from the 997, was ever presented to the grand jury. These statements do not appear in any form as allegations in the second superseding indictment. Doyle, who resigned from the FBI prior to the original indictment in this matter, did not testify before the grand jury.<sup>2</sup>

Burnette nevertheless claims that defense counsel “have a good faith basis to believe that the Government presented *false* testimony to the grand jury (i.e., that *Burnette* ‘admitted’ that ‘he has bribed Maddox for assistance’ with his developments in the past and that Mr. Burnette ‘is currently paying Maddox \$15,000 a month, via a company called Governance Services LLP, as part of a bribe for a recently completed project.’” ECF No. 177 at 14 (emphasis in original). Going further, he claims that “the false statement was presented to the grand jury.” *Id.* at 23. He cites no competent basis for such a belief, nor can he, because there is none.

Instead, Burnette points to two sentences of FBI Special Agent Evan Hurley’s

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<sup>2</sup> The government produced all of the grand jury testimony transcripts and grand jury exhibits for the original indictment and first superseding indictment on or before July 1, 2019. The transcripts from the second superseding indictment were ordered immediately after the return of that indictment and were produced on October 28, 2019. Since the same grand jury panel returned both superseding indictments, the presentation of the second superseding indictment principally involved new allegations relating to the “The Hotel Vote Abstention,” rather than the allegations concerning Company C. ECF No. 145 at 8–13.

grand jury testimony, and postulates that the 997 formed the basis for those statements. Agent Hurley, qualifying his summary testimony as “high-level background” regarding the undercover investigation, stated that:

What JT also mentioned to our undercovers was that Scott Maddox gets a cut-in on any of JT's business dealings in the City. The way that JT pays Maddox for his assistance is through Maddox's lobbying firm.

This testimony is not based on Doyle's 997. It is based on a September 21, 2016, recorded meeting between Burnette and multiple FBI undercover agents, the video, audio, and transcript of which has been produced to Burnette in discovery. During this meeting, Burnette stated, “Scott and I have always worked deals together because at the end of the day, Scott can always wrangle the Commission kind of in his direction.” Ex. 1 at 15–16.<sup>3</sup> Burnette further told the agents that he would “get like twenty percent of the deal above and beyond the pref, right? So I don't – again, I don't want to do anything other than deliver the politics to it. I don't want to be involved in designing. I don't want to be involved in building. I don't want to be – I don't want to be a f----- developer. I want to have the political responsibility to deliver what I need to deliver – right? – and get twenty percent for

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<sup>3</sup> Exhibit 1 is a partially redacted excerpt of the transcript of the September 21, 2016, recording of Burnette. The referenced page numbers appear on the bottom of each page of the transcript.

that. And I will take care of Scott.” An agent then asked, “From that twenty percent?” and Burnette replied, “Correct.” Ex. 1 at 26–27.

Later in the same conversation, one of the undercover agents, analogizing government approval of a real estate project to a “piece of equipment,” stated, “I want to know that you can buy the equipment regardless. I don’t care what piece of equipment you need. I want to know that I can buy the equipment. Make sense?” Burnette replied, “The equipment is – you can buy the equipment.” *Id.* at 34. Burnette then had the following exchange with one of the agents:

Agent: And it’s – and then Scott’s your buddy?

Burnette: And Scott’s my buddy.

Agent: And I take it you probably cut him in on some of the –

Burnette: Absolutely.

Agent: -- some of your business deals and –

Burnette: Well, Scott’s –

Agent: -- that’s how he gets it.

Burnette: Scott’s lobbying firm works for us.

Agent: Okay. So you – he just gets paid through his lobbying firm, right?

Burnette: He definitely gets paid through his lobbying firm.

Agent: Okay.

Burnette: That’s right.

Agent: But what's the number look like? So like one of our projects –

Burnette: It depends on what you want to accomplish.

*Id.* at 57–58.

Burnette proceeded to explain that the amount that would be needed to pay a City Commissioner was “a project-by-project thing.” With respect to two named Commissioners, Burnette explained that “you’re only going to convince them on the merits of what you’re doing.” On the other hand, with respect to Maddox, the cost would depend “all on how heavy the lift is.” However, “[t]here ain’t nothing happening for less than \$25,000. Right? And you can damn near move a mountain for a hundred. . . . If there’s a lift, it’s costing you \$25,000.” *Id.* at 59–61.

Burnette further explained that, “for example, let’s just say you are going to get Scott to go find \$3 million of Blueprint dollars<sup>4</sup> to buy a piece of a deal, right? You know, you’re going to end up paying, you know, call it \$10,000 a month the next three years for [Maddox] to lobby for you.” *Id.* at 62–63. In short, Agent Hurley’s summary testimony accurately portrayed to the grand jury the substance of Burnette’s statements to the undercover agents. On this basis alone, Burnette’s motion should be denied.

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<sup>4</sup> The Blueprint Intergovernmental Agency administers development projects funded by a one cent sales tax collected in Leon County. Tallahassee City Commissioners vote in their official capacity on the disbursal of Blueprint funds.

Even assuming for the sake of Burnette's argument that this small portion of Agent Hurley's testimony was somehow inaccurate, Burnette's argument still fails. It is settled law in this Circuit that "[a]n agent's inadvertent giving of false testimony before the grand jury does not warrant dismissal of an indictment." (citing *DiBernardo*, 775 F.2d at 1475)). Alternative explanations or interpretations of evidence, or "a mere disagreement with the Government regarding what the evidence shows or whether the evidence supports the charges in the indictment," is "not a proper basis for setting the indictment aside." *United States v. Gilbert*, No. 2:17-cr-00419-AKK-TMP, 2018 WL 2095832, at \*2 (N.D. Ala. May 4, 2018).

Should Burnette wish to question Agent Hurley about his grand jury testimony, either on cross-examination or by calling him in the defense case, such an opportunity will present itself at trial. Indeed, the Eleventh Circuit has stated that cross-examination at trial is the proper mechanism to test whether an alleged statement to the grand jury was actually false. *See DiBernardo*, 775 F.2d at 1475–76 (explaining, in rejecting a request to dismiss an indictment based on allegedly false testimony, that a dismissal on that basis "is not necessary to protect innocent persons from being convicted on false testimony. At trial, the government has the burden of proving the allegations of the grand jury's indictment beyond a reasonable doubt, and any witness who inadvertently may have testified falsely before



the grand jury must withstand cross-examination.”). Relatedly, Burnette has already identified Doyle as a defense witness and will have the opportunity to elicit admissible testimony from him, so long as the defense can satisfy applicable *Touhy* regulations pursuant to 28 C.F.R. § 16.23. *See United States ex rel. Touhy v. Ragen*, 340 U.S. 462, 468 (1951).<sup>5</sup>

Finally, there is no plausible claim that any conceivable error “substantially influenced the grand jury’s decision to indict,” or that it caused “grave doubt that the decision to indict was free from the substantial influence of” the allegedly perjured testimony. *Bank of Nova Scotia*, 487 U.S. at 256. First, the inaccurate statements in the 997 are entirely absent from the second superseding indictment. In his only attempt to relate the 997 to the grand jury’s allegations, Burnette notes that paragraph 43 of Count One of the second superseding indictment states, in part:

BURNETTE said that MADDUX would be able to support the project by committing official acts such as convincing other Commissioners to support the project. BURNETTE stated that MADDUX “effectively<sup>6</sup> gets paid through the lobbying firm.”

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<sup>5</sup> Burnette’s motion claims that “counsel are limited in their ability to subpoena [Doyle]” due to *Touhy* regulations, but fails to offer any reason why *Touhy* regulations would prevent them from subpoenaing Doyle or eliciting admissible testimony from him. ECF No. 177 at 11.

<sup>6</sup> It is arguably unclear to the lay listener whether Burnette used the word “effectively” or “definitely.” Agent Hurley testified as to the former, but the transcription produced to the defense (which Agent Hurley did not write) referred to the latter. An agent who was present for the conversation recently reviewed the transcript and kept the word “definitely.”

See ECF No. 145 at 13, ¶ 43; ECF No. 177 at 17. Burnette then claims in conclusory fashion that “[o]ne does not need to speculate to reach the logical conclusion that information stemming from former Special Agent Doyle’s false report interfered with the independent function of the grand jury.” ECF No. 177 at 18. But this paragraph of the second superseding indictment was supported not by the 997, but by recordings of Burnette, including the quote above. Burnette can make no showing that the grand jury was substantially influenced by a 997 that was never presented, especially since the indictment alleges no facts stemming from that document.

Second, in the context of claims of grand jury error, the Eleventh Circuit has remarked that “[a] grand jury need find only that there is probable cause to believe that a crime was committed and that the defendant was the party who committed the crime,” *United States v. Jennings*, 991 F.2d 725, 729 (11th Cir. 1993), and has swiftly rejected requests to dismiss an indictment where the government presents “overwhelming evidence to the grand jury for it to find probable cause.” *Id.* Count One of the second superseding indictment includes *nineteen* other paragraphs of factual allegations to support the RICO Conspiracy charge, beyond the paragraph about which Burnette complains. ECF No. 175 at 8–18. Included among these allegations are an explicit bribery agreement between Maddox and Burnette, and numerous other quoted, recorded statements by Burnette. These allegations—

which are supported by voluminous amounts of testimony and grand jury exhibits that were presented to the grand jury, and that have been disclosed to the defense—amply support a probable cause finding, separate and apart from the facts alleged in Paragraph 43 of Count One. For this reason, too, Burnette’s claim lacks any merit.

### **III. CONCLUSION**

Based on the foregoing, Burnette’s argument fails as a matter of logic. He cannot connect the dots between the 997 and anything that was presented to the grand jury, or any of the second superseding indictment’s factual allegations. It follows that Burnette cannot meet the high bar for dismissal by “establish[ing] that the violation substantially influenced the grand jury’s decision to indict, or [by raising] grave doubt that the decision to indict was free from the substantial influence of such violations.” *Bank of Nova Scotia*, 487 U.S. at 256. The motion to dismiss should be denied without an evidentiary hearing.

Respectfully submitted on November 4, 2019,

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/s/ Stephen M. Kunz

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### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of this memorandum has been filed via the CM/ECF filing system on this 4th day of November, 2019, and thereby has been provided to counsel for Defendant Burnette.

/s/ Simon Cataldo

Simon Cataldo  
Trial Attorney

### **LOCAL RULE 7.1(F) CERTIFICATE**

I certify that this paper contains 2,877 words, per Microsoft Word's word count, which complies with the word limit requirements set forth in Local Rule

7.1(F).

/s/ Simon Cataldo  
SIMON CATALDO  
Trial Attorney

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FEDERAL BUREAU OF INVESTIGATION

1D082-Session 6

Audio Recording:

0111.006

September 21, 2016

Participants:

J.T. Burnette

UC-4180

UC-5271

UC-3154

Unidentified Male

United States Department of Justice

P R O C E E D I N G S

1 UC-4180: And you're clearly not.

2 J.T. BURNETTE: That's right. [15:16:00]

3 UC-4180: You know, I've just seen you talk about  
4 a lot of these things that you've accomplished, and  
5 they ain't going to be accomplished by an outsider.

6 J.T. BURNETTE: Yeah. That's tough. [15:16:11]

7 UC-4180: So I kind of want you to figure out for  
8 us -- and I know there's that whole thing about, you  
9 know, [REDACTED] -- [REDACTED]  
10 [REDACTED], really, but I also want to  
11 figure out, you know, where do you fit into the scheme  
12 of things for us?

13 J.T. BURNETTE: So I really think there's -- I  
14 think there's two core issues to have a conversation  
15 about.

16 So there -- so Scott Maddox and I have a very deep  
17 relationship.

18 UC-4180: Now, he's the county guy? County --

19 J.T. BURNETTE: He's the city commissioner. Okay.

20 UC-4180: City commissioner. Okay.

21 J.T. BURNETTE: Scott Maddox is, you know,  
22 arguably, probably the most sophisticated politician of

1 all the city and county players period. [15:16:58]

2 UC-4180: Okay.

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]



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18 [REDACTED] ]  
19 [REDACTED]  
20 J.T. BURNETTE: Okay? So Scott and I have always  
21 worked deals together because at the end of the day,  
22 Scott can always wrangle the commission kind of in his

1 direction. [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
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16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]

1 J.T. BURNETTE: Right. So, you know, the city  
2 it's different than CRA. The other parcels working  
3 with -- North American Property has got the CRA. This  
4 is just a city-owned parcel, which they got a  
5 lot -- there's a lot more flexibility because, you  
6 know, instead of -- the CRA is a nine-person board.  
7 City is a five-person board, a hell of a lot easier to  
8 navigate that than it is to navigate the other.

9 [15:32:33]

10 UC-4180: Well, especially if you've got Maddox in  
11 your pocket, that's --

12 J.T. BURNETTE: Yeah.

13 UC-4180: And [REDACTED]

14 J.T. BURNETTE: Correct.[15:32:27]

15 UC-4180: It's a done deal.

16 J.T. BURNETTE: It's --

17 UC-4180: Yeah.

18 J.T. BURNETTE: -- pretty much a done deal.

19 [15:32:30]

20 UC-4180: So I'll kind of hit you in the mouth  
21 with this question. I mean, you and Scott Maddox go  
22 way back, but what is -- I mean, I think you probably

1 picked up on the way that I've done business and the  
2 way -- so how do we, how do we make that happen--

3 J.T. BURNETTE: In the end of the day, I will make  
4 that happen with Scott. [15:32:44]

5 UC-4180: But how? I mean, is it a financial  
6 piece? Is it a --

7 J.T. BURNETTE: [15:32:47] So, here's the simple  
8 deal. So you structure it in a simple real estate  
9 formula -- right? -- where it's -- you know, there's  
10 capital put in. Let's just call it \$10 million. Let's  
11 just pick a number. You know, there is a 6 percent  
12 return paid on that 10 percent. And, effectively,  
13 there's a 20 -- after the pref is  
14 paid -- right? -- everybody gets paid their return  
15 first.

16 And then we get -- I get like 20 percent of the  
17 deal above and beyond the pref, right? So I  
18 don't -- again, I don't want to do anything other than  
19 deliver the politics to it. I don't want to be  
20 involved in designing. I don't want to be involved in  
21 building. I don't want to be -- I don't want to be a  
22 f [REDACTED] developer. I want to have the political

1 responsibility to deliver what I need to  
2 deliver -- right? -- and get 20 percent for that. And  
3 I will take care of Scott. [15:33:35]

4 UC-3154: From that 20 percent?

5 J.T. BURNETTE: Correct. [15:33:38]

6 UC-4180: And, and - okay. Well, I mean,  
7 that's -- because that's -- I mean, when it comes right  
8 down to it, that's the dirty politics of --

9 J.T. BURNETTE: Yeah. [15:33:38]

10 UC-4180: -- getting things done. [REDACTED]

11 [REDACTED].

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

1 P R O C E E D I N G S

2 J.T. BURNETTE: You only need three.

3 UC-4180: And, and [REDACTED] -- and [REDACTED]  
4 could deliver [REDACTED], if necessary.

5 UC-3154: But, you don't need it. You got three.

6 J.T. BURNETTE: You don't need it. You got three.

7 [15:36:45]

8 UC-4180: I see what you're saying.

9 J.T. BURNETTE: You've got Scott, [REDACTED], and -

10 [15:36:48]

11 UC-4180: So are we wasting our time with [REDACTED]

12 [REDACTED]?

13 J.T. BURNETTE: So here's the thing. You have to  
14 know what you're trying to accomplish to be able to get  
15 somebody to do something. Okay? If you want me to  
16 shoot somebody over there on that building, I'm going  
17 to have to use the right equipment to shoot the guy  
18 over there on the building. Right? But if I don't  
19 know what I'm shooting at, you can't figure who the  
20 right -- what the right equipment is.

21 UC-4180: Okay.

22 J.T. BURNETTE: Right?

1 UC-4180: I want to know that you can buy the  
2 equipment regardless. I don't care what piece of  
3 equipment you need. I want to know that I can buy the  
4 equipment. Make sense?

5 J.T. BURNETTE: The equipment is -- you can buy  
6 the equipment.

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [15:37:38]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

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8 [REDACTED] 15:55:16]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 UC-4180: And it's -- and then Scott's your buddy?  
14 J.T. BURNETTE: And Scott's my buddy.  
15 UC-4180: And I take it you probably cut him in on  
16 some of the --  
17 J.T. BURNETTE: Absolutely. [15:55:29]  
18 UC-4180: -- some of your business deals and --  
19 J.T. BURNETTE: Well, Scott's --  
20 UC-4180: -- that's how he gets it.  
21 J.T. BURNETTE: Scott's lobbying firm works for  
22 us. [15:55:34]



1 UC-4180: Okay. So you -- he just gets paid

2 through his lobbying firm, right?

3 J.T. BURNETTE: He definitely gets paid through

4 the lobbying firm. [15:55:40]

5 UC-4180: Okay. [15:55:38]

6 J.T. BURNETTE: That's right

7 UC-5271: But what's that number look like? So

8 like one of our projects --

9 J.T. BURNETTE: It depends on what you want to

10 accomplish. [15:55:48]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED].

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED] --  
6 [REDACTED] - [15:56:32]  
7 [REDACTED] --  
8 J.T. BURNETTE: It's a project-by-project thing.  
9 I-I just don't -- so you have [REDACTED], right? You're not  
10 going to buy [REDACTED]. You're really not going to buy [REDACTED]  
11 either.  
12 UC-4180: Yeah.  
13 J.T. BURNETTE: Right? You're only going to  
14 convince them on the merits of what you're doing. Now,  
15 keep in mind that Scott or all --  
16 UC-3154: Convinces them.  
17 J.T. BURNETTE: Scott convinced them. So does  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]

1 J.T. BURNETTE: -- as long as it's not like  
2 political suicide. [15:57:00]

3 UC-5271: Yeah, right. My question is, okay,  
4 for -- let's say it's Scott. What is that -- and you  
5 like -- we did that one piece where you said, you know,  
6 your percentage at the end, you'll take care of Scott.

7 J.T. BURNETTE: Right.

8 UC-5271: But for me, factoring that in, when I  
9 look at every project I do, what number am I factoring  
10 in? Am I saying this is a --

11 J.T. BURNETTE: It's all on how heavy the lift is.  
12 I mean, look, it's --

13 UC-5271: So it's not like -- he's not like  
14 a -- like there's one place that I budget 10 percent  
15 because I know it is going to cost me -- about 10  
16 percent of my total development cost, I'm going to  
17 spend making --

18 J.T. BURNETTE: On "marketing cost" [hand gesture  
19 emphasis]. [15:57:35]

20 UC-5271: -- sure when something goes -- when I go  
21 in front of a vote, I already know what the votes are.

22 UC-4180: You [UI]. Yeah. [15:57:39]

1 UC-5271: And it's costing me about 10 percent.

2 J.T. BURNETTE: Yeah. So --

3 UC-5271: Is that a --

4 J.T. BURNETTE: No. And that's a realistic

5 number. I mean, here here -- there's a minimum

6 threshold. There ain't nothing happening for less than

7 \$25,000. Right? And you can damn near move a mountain

8 for 100. [15:57:51]

9 UC-5271: Yeah.

10 J.T. BURNETTE: Right?

11 UC-4180: Per project. If there's a lift in that

12 project --

13 J.T. BURNETTE: If there's a lift, it's costing

14 you \$25,000. [15:58:00]

15 UC-4180: And if it's a heavy lift, it could cost

16 100.

17 J.T. BURNETTE: It could cost 100. [15:58:03]

18 UC-4180: Okay.

19 UC-3154: And how does that go? If there's lots

20 of (inaudible).

21 (Overlapping voices.)

22 J.T. BURNETTE: I mean, no. Here's the thing,

1 right? If your request is this, like let's just say,  
2 for example, we actually talked about developing  
3 Fallschase checks or something like that --

4 UNIDENTIFIED MALE: Uh-huh. [15:58:13]

5 J.T. BURNETTE: -- and we go get the county to pay  
6 \$3 million for a piece of the property, it's gonna cost  
7 us 300 grand. Right? It's gonna to cost us 10 percent  
8 of the gift. [15:58:23]

9 UC-3154: Uh-huh.

10 J.T. BURNETTE: Right? But, I mean, it's still  
11 effectively right around the number --

12 UC-3154: Right.

13 J.T. BURNETTE: -- your formula number.

14 [15:58:30]

15 UC-3154: Yeah.

16 UC-4180: And that flows how? That just flows  
17 into the -- you said you write a check for 25,000 or  
18 you write a check --

19 J.T. BURNETTE: Well, no. It's like, for example,  
20 I -- you know, for example, let's just say you are  
21 going to get Scott to go find \$3 million of blueprint  
22 dollars to buy a piece of a deal. Right? [15:58:47]

1 UC-4180: Uh-huh.

2 J.T. BURNETTE: You know, you're going to end up  
3 paying, you know, call it \$10,000 a month the next 3  
4 years for him to lobby for you. [15:58:55]

5 UC-4180: Okay. I gotcha.

6 J.T. BURNETTE: Right? His lobbying terms, he'll  
7 lobby for you for \$10,000 a month the next 3 years.  
8 So --

9 UC-4180: That's how he structures it?

10 J.T. BURNETTE: Yeah. [15:59:05]

11 UC-4180: Okay.

12 J.T. BURNETTE: But every -- it's --

13 UC-4180: Tallahassee is an interesting place.  
14 I'll, I'm going to tell you that. It's -- it's umm --  
15 it's clearly "good ole boy" network, but it's not like  
16 a "good ole boy" network like I've seen in other  
17 places, where -- look, man, you just flat-out know --

18 J.T. BURNETTE: You know what you've got to pay.  
19 [15:59:34]

20 UC-4180: You know who you've got to pay and how  
21 you're going to pay it --

22 J.T. BURNETTE: Yeah.